

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____

WHEREAS, the existing cleaning contract for Town buildings will expire 12/31/2017 and the Town Board has determined that it is necessary to go out to bid for a new cleaning contract for Town of Newstead buildings; and

WHEREAS, the Town Clerk has prepared proposed contract specifications attached hereto and made a part hereof, which specifications have been reviewed and approved by the Town Board.

NOW, THEREFORE, be it resolved by the Town Board as follows:

1. The Town Board does hereby authorize and direct the Town Clerk to advertise for bids for a cleaning contract for the Town Hall, Senior Center, Joint Highway Facility and the Newstead Cultural Center in accordance with the bid specifications as prepared by the Town Clerk and reviewed by the Town Board with bids to be received by September 29, 2017 at the Town Clerk's Office no later than 2:00 p.m.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on September 11, 2017, the results of which were as follows:

Councilman Dugan-
Councilman Burke-
Councilman Jendrowski-
Councilwoman Morlacci-
Supervisor Cummings-

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN _____

WHEREAS, at a meeting held on September 11, 2017 the Town Board discussed holding a public hearing on Erie County Community Development Block Grants, and

WHEREAS, the Town Board feels that it is essential and necessary to solicit opinions and input from the residents of the Town of Newstead on this topic,

NOW LET IT BE THEREFORE RESOLVED THAT,

1. The Town Board authorizes the Supervisor, David L. Cummings to have published in the Akron Bugle a Notice of Public Hearing, and
2. Said Public Hearing shall be scheduled for September 25, 2017 at the Newstead Town Hall at 7:55 pm for the purpose of hearing public comments on the use of potential funds received from the Erie County Community Development Block Grant Consortium.
3. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote of the Town Board at a regular meeting held on September 11, 2017, the results of which are as follows:

Supervisor Cummings-
Councilman Dugan-
Councilman Burke-
Councilman Jendrowski-
Councilwoman Morlacci-

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN _____, TO WIT:

WHEREAS, the State of New York recently approved a limit of 2% on the increase in the amount of real property taxes that may be levied by the Town over the prior year's tax levy; and

WHEREAS, in 2011 the Town Board of the Town of Newstead approved Local Law No. 5 of the Year 2011 to override the property tax cap limits in connection with the 2012 budget, in 2012 the Town Board of the Town of Newstead approved Local Law No. 5 of the Year 2012 to override the property cap limits in connection with the budget for 2013, the same for the 2014, 2015, 2016 and 2017 budgets, but in each case the Town adopted a budget what was within the tax cap; and

WHEREAS, the Town Board has been advised that due to low inflation, the tax cap will now be .68% due to the inflation growth formula that is used for computing the cap which is based on the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board believes that the actual increases in costs to the Town, including, but not limited to, State mandated costs and other costs to the Town over which the Town Board has little or no control are likely not to be limited to 1.84 % therefore the Town Board believes that it is in the best interest of the Town of Newstead to adopt a local law this year exempting the Town of Newstead from the tax levy limitation for the 2018 budget in case it should be determined that the Town of Newstead is exceeding the actual tax cap limitation; and

WHEREAS, the legislation approving the limit on the tax levy also provides for the authority of the Town Board to override such limit by the approval by 60% of the Town Board of a local law exempting the Town of Newstead from the tax levy limit; and

WHEREAS, the Town Board has determined that the proposed action is a Type II action under the State Environmental Quality Review Act and no further action is required with respect to SEQRA; and

WHEREAS, Councilman _____ introduced the following proposed "Local Law No. 6 of the Year 2017", entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C " and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 6 of the Year 2018 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C".

Be in enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 6 of the Year 2017 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C".

SECTION 2. PURPOSE

The purpose of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Newstead, County of Erie pursuant to General Municipal Law § 3-c, and to allow the Town of Newstead, County of Erie to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

SECTION 3. AUTHORITY

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote sixty percent (60%) of the town board.

SECTION 4. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Newstead, County of Erie is hereby authorized to adopt a budget for the fiscal year 2018 that requires real property tax levy in excess of the limit specified in General Municipal Law, § 3-c.

SECTION 5. SEVERABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:50 p.m. on the 25th day of September, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 6 of the Year 2017; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than five days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published and (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than five days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 6 of the Year 2017, entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman	Dugan	Voted	_____
Councilman	Burke	Voted	_____
Councilman	Jendrowski	Voted	_____
Councilwoman	Morlacci	Voted	_____
Supervisor	Cummings	Voted	_____

**RESOLUTION AUTHORIZING THE CHARGE BACK
OF THE COSTS OF EMERGENCY ENCLOSURES FOR
PROPERTY LOCATED AT 7507 GREENBUSH ROAD,
TOWN OF NEWSTEAD BE CHARGED BACK AGAINST
THE OWNERS IN THE SAME MANNER AS PROVIDED
IN ARTICLE 15 OF THE TOWN LAW**

Motioned by Councilman _____, seconded by Councilman _____

WHEREAS, the Town Justice Court by order adopted on _____ determined that the condition of the property at 7507 Greenbush Road in the Town of Newstead presented a hazard and directed that the Town of Newstead take immediate steps to secure property at 7507 Greenbush Road in the Town of Newstead with the costs to be assessed back against the owner of such property; and

WHEREAS, pursuant to such order, the Town on an emergency basis authorized the installation of an emergency fence enclosure at the property at the cost of \$2,250.

NOW, THEREFORE, THE TOWN BOARD DOES HEREBY DETERMINE AND RESOLVE AS FOLLOWS:

1. That the Town Board pursuant to order of the Town Justice Court authorized the installation of emergency enclosures at property at 7507 Greenbush Road at the cost of \$2,250.
2. That all costs of the cost of such emergency enclosure shall be assessed against the property in the same manner as provided under Article 15 of the Town Law for the levy and collection of special ad valorem assessments.
3. This resolution shall take effect immediately

The above resolution was duly put to a roll call vote at a regular meeting of the Newstead Town Board on September 11, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____

TOWN OF NEWSTEAD

8-LOT MAJOR SUBDIVISION WITHOUT PUBLIC IMPROVEMENT HOWE & BARNUM ROADS NEGATIVE DECLARATION AND APPROVAL OF FINAL SUBDIVISION PLAT

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN _____
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN _____

WHEREAS, the Town of Newstead has received a final subdivision plat from CMK Builders for an 8-lot major subdivision without public improvement impacting a 17.2 acre parcel in the R-A zone on Howe and Barnum Roads, and

WHEREAS, the original 28-acre parcel was divided into four lots in 2016, and

WHEREAS, after three reviews, the Town Engineer recommended approval in a memo dated July 10, 2017 but which memo set forth specific conditions to be incorporated as part of the approval; and

WHEREAS, the Newstead Planning Board reviewed the application and voted to recommend approval of the major subdivision to the Town Board on July 19, 2017, and

WHEREAS, this project is an unlisted action under SEQR, the Town of Newstead declared lead agency status, and a coordinated review was conducted, and

WHEREAS, on July 25, 2017 Notice of Lead Agency Designation, site plan and Full EAF were sent to potentially interested agencies, including Erie County Planning, and to date, no comments have been received, and

WHEREAS, on August 14, 2017 the Town Board held a public hearing to hear comments from the public where verbal comments were made by Jeffrey Sage of 11446 Howe Road, Robert Vacanti of 5498 Barnum Road and Martha Martin on 11406 Howe Road, along with written comments submitted by Carl Klingenschmitt of 11520 Howe Road, and by Scott & Lynn Henningham of 5559 Barnum Road, and

WHEREAS, on August 24, 2017, the Town received a letter from Jennifer Delaney, P.E. from the Erie County Health Department advising the Town that because the soils in

the area are not suitable for conventional septic systems, they are limited to developing four lots every three years; and

WHEREAS, on August 28, 2017, Jennifer Delaney sent a letter to Kevin Stoldt advising him that the County had approved three additional lots numbers 6, 7 and 2 for development in addition to lots numbers 1, 9 and 10 previously approved.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board hereby approves the Final Subdivision Plat Dated August 30, 2017 and makes the following SEQRA negative declaration subject to the following conditions

1. The subdivision approval is based upon the site design that includes 0.62 acres of impervious area which has been derived using the assumption of 8 homes with the following impervious area per home

a. 2,400 square feet for each home (40' x 60')

b. 66' long driveways (50' set back from right-of-way) with a width of 15'.

2. If the impervious area underestimates what will actually be constructed and the project as constructed causes the impervious area increases such that it is 10% over what was shown in the approved subdivision plan, additional water quantity and water quality treatment will need to be designed and constructed before final approvals are given for individual homes.

3. Drainage easements shall be provided to the Town of Newstead over the stream as shown on the subdivision map.

4. The exception parcels as shown on the subdivision map are not considered to be an approved subdivision parcel and cannot be developed until after August of 2020 in accordance with the requirements of the Erie County Health Department.

5. That subject qualifications and requirements set forth in 1-4 above , the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that final plat approval of the 8-lot major subdivision without public improvement will not have a significant effect on the environment, the annexed Negative Declaration is hereby approved, the Town Clerk is hereby authorized and directed to make the appropriate filings in accordance with the provisions of the General Regulations of the Department of Environmental Conservation, and the Town Supervisor is hereby authorized and directed to sign the Environmental Assessment Form and to check the

box thereon indicating that the proposed action will not result in any significant adverse impacts.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on September 11, 2017, the results of which were as follows:

Supervisor Cummings	_____
Councilman Jendrowski	_____
Councilman Dugan	_____
Councilman Burke	_____
Councilwoman Morlacci	_____

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____

WHEREAS, the Town Board of the Town of Newstead previously established a DA fund and has been collecting from taxpayers townwide each year to fund the DA fund; and

WHEREAS, the DA fund currently contains \$82,446.01 and for more than 10 years, there have been no expenditures made from the DA fund except for refunds of tax payments; and

WHEREAS, the Town has been advised that the amount in each fund should not be allowed to exceed the reasonable requirements for such funds based on the prior years expenditures; and

WHEREAS, all the funds on deposit in the DA fund were raised on a townwide basis; and

WHEREAS, the A fund of the Town is funded by taxpayers townwide which are the same taxpayers as paid into the DA fund.

NOW, THEREFORE, be it resolved by the Town Board as follows:

1. The Town Board authorizes and directs the Supervisor to transfer \$81,446.01 from the DA fund to the A fund to reduce the balance in the DA fund to \$1,000, an amount consistent with the expenditures from the DA fund for prior years.
2. This resolution shall take effect immediately needs

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on September 11, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____